

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERBERT M. BELLINGER, JR.,

Plaintiff, No. CIV S-02-2335 LKK GGH P

vs.

DEPUTY ALLBEE, et al.,

Defendants. ORDER

Pending before the court is defendants' motion to modify the scheduling order filed May 19, 2005. For the following reasons, this motion is denied.

On December 17, 2004, defendants filed a summary judgment motion. On April 25, 2005, the court issued findings and recommendations addressing defendants' motion. The court recommended that defendants' motion be denied in part and granted in part. The court also found that defendants' motion did not address all of the claims raised in the amended complaint. On June 3, 2005, the district court adopted these findings and recommendations.

In the pending motion, defendants seek leave to file another summary judgment motion addressing new claims found by the court in its interpretation of the amended complaint. Defendants' motion is denied for the following reasons. First, defendants do not identify the new claims they want to address. The claims identified by the court that defendants' December 17,

1 2004, motion did not address were evident from the amended complaint. In addition, the court
2 does not have the resources to re-do summary judgment motions. Finally, this case was filed in
3 2002. The court has previously granted two motions by defendants to modify the scheduling
4 order. Further delay on the grounds alleged is not warranted.

5 Accordingly, IT IS HEREBY ORDERED that defendants' May 19, 2005, motion
6 to modify the scheduling order is denied.

7 DATED: 7/6/05

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9 /s/ Gregory G. Hollows

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11 GREGORY G. HOLLOWS
12 UNITED STATES MAGISTRATE JUDGE
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